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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

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INTRODUCED BY ULIANA, BELL, FISHER, DELP, CORMAN, BRIGHTBILL,  
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O'PAKE, MUSTO, MADIGAN, MOWERY AND KASUNIC, JUNE 2, 1995

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REFERRED TO URBAN AFFAIRS AND HOUSING, JUNE 2, 1995

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AN ACT

1 Providing for expedited eviction of drug traffickers; providing  
2 remedies; conferring powers and duties upon the Department of  
3 Health; and making an appropriation.

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23 The General Assembly of the Commonwealth of Pennsylvania  
24 hereby enacts as follows:

25 Section 1. Short title.

26 This act shall be known and may be cited as the Model  
27 Expedited Eviction of Drug Traffickers Act.

28 Section 2. Legislative findings.

29 The General Assembly finds and declares as follows:

30 (1) All citizens, regardless of their income or economic

1 status, have the right to be safe and secure in their  
2 residences. All citizens further have the right to live and  
3 raise their children in apartment complexes, neighborhoods  
4 and communities, which are free from the destructive  
5 influence of drug dealers and drug-related crime and  
6 violence.

7 (2) Persons who commit drug distribution offenses on or  
8 in the immediate vicinity of leased residential premises or  
9 who permit or tolerate such offenses to be committed, violate  
10 the rights and jeopardize the health and safety of the other  
11 tenants, residents and onsite employees of the premises.

12 (3) It is the policy of the Commonwealth to ensure the  
13 swift eviction and removal of persons who engage in certain  
14 drug-related criminal activity on or in the immediate  
15 vicinity of leased residential premises or who permit members  
16 of their households or guests to engage in this criminal  
17 activity on or in the vicinity of the premises.

18 (4) Tenants have an obligation to take actions  
19 reasonable and necessary under the circumstances to prevent  
20 the commission of drug-related criminal activity within their  
21 individual rental units and to prevent members of their  
22 household and guests from committing such criminal activity  
23 on or in the immediate vicinity of any portion of the leased  
24 residential premises.

25 (5) It is the policy of the Commonwealth to encourage  
26 landlords to protect the rights, safety and health of their  
27 tenants and residents by promptly commencing and fully  
28 prosecuting civil eviction and removal proceedings against  
29 those tenants and other persons who engage in drug-related  
30 criminal activity on or in the immediate vicinity of their

1 properties.

2 (6) The civil causes of action and remedies authorized  
3 by this act are remedial rather than punitive in nature and  
4 are designed first and foremost to protect the rights, safety  
5 and health of law-abiding tenants, residents and onsite  
6 employees while affording due process of law to persons  
7 alleged to have allowed such criminal activity to occur on or  
8 in the immediate vicinity of leased residential premises.

9 (7) Except as may otherwise be expressly provided, it is  
10 the general policy of the Commonwealth to afford the same  
11 rights and privileges under this act to the tenants and  
12 residents of publicly owned, publicly assisted and privately  
13 owned premises and housing facilities.

14 (8) Tenants should be empowered to take legal action to  
15 protect and enforce their own rights to live in a peaceful  
16 community. Tenant organizations should have access to the  
17 courts and should, therefore, be afforded legal standing to  
18 initiate eviction for drug-related criminal activity on or in  
19 the immediate vicinity of the leased residential premises.

20 (9) It is the policy of the Commonwealth to ensure that  
21 the causes of action and remedies authorized by this act are  
22 heard by the courts on an expedited and priority basis so as  
23 to evict and remove as soon as practicable all persons who  
24 engage in drug-related criminal activity on or in the  
25 immediate vicinity of leased residential premises or who  
26 allow such criminal activity to occur.

27 (10) In addition to ensuring the swift disposition of  
28 all civil actions brought under this act, it is necessary and  
29 appropriate to ensure certain and uniform enforcement by the  
30 courts of the rights and remedies provided by this act. Such

1 certainty, predictability and uniformity is essential to  
2 discourage persons from committing or tolerating the  
3 commission of drug-related criminal activity and thereby to  
4 protect the rights, safety and health of law-abiding tenants  
5 and residents.

6 (11) This act is intended to provide a legal process to  
7 ensure prompt eviction of persons who engage in specified  
8 drug-related criminal activity on or near leased residential  
9 premises or who permit others to engage in such criminal  
10 activity. This act is further intended to authorized courts  
11 to order persons other than tenants who engage in certain  
12 drug-related criminal activity to stay away from the location  
13 where the criminal activity occurred.

#### 14 Section 3. Definitions.

15 The following words and phrases when used in this act shall  
16 have the meanings given to them in this section unless the  
17 context clearly indicates otherwise:

18 "Complete eviction." The eviction and removal of a tenant  
19 and all members of the tenant's household.

20 "Controlled substance." As defined in section 2 of the act  
21 of April 14, 1972 (P.L.233, No.64), known as The Controlled  
22 Substance, Drug, Device and Cosmetic Act.

23 "Department." The Department of Health of the Commonwealth.

24 "Distribute." As defined in section 2 of the act of April  
25 14, 1972 (P.L.233, No.64), known as The Controlled Substance,  
26 Drug, Device and Cosmetic Act.

27 "Drug dependent person." A person who is a chemically  
28 dependent person as defined by the Department of Health.

29 "Drug-related criminal activity." The unlawful manufacture,  
30 sale, distribution or possession with intent to sell or

1 distribute, of a controlled substance in violation of the act of  
2 April 14, 1972 (P.L.233, No.64), known as The Controlled  
3 Substance, Drug, Device and Cosmetic Act, or an unlawful attempt  
4 or conspiracy to commit such an act.

5 "Guest." An individual who has been given express or implied  
6 permission by a tenant, a member of the tenant's household or  
7 another guest of the tenant to enter an individual rental unit  
8 or any portion of the leased residential premises.

9 "Individual rental unit." An apartment or individual  
10 dwelling or accommodation which is leased to a particular  
11 tenant, whether or not it is used or occupied or intended to be  
12 used or occupied by a single family or household.

13 "Landlord." A person, entity, corporation or governmental  
14 authority or agency who or which owns, operates or manages  
15 leased residential premises.

16 "Leased residential premises." A house, building, mobile  
17 home or apartment, whether publicly or privately owned, which is  
18 leased for residential purposes. The term includes the entire  
19 building or complex of buildings or mobile home park, all real  
20 property of any nature appurtenant thereto and used in  
21 connection therewith, all individual rental units and common  
22 areas. The term does not include a hotel, motel or other guest  
23 house or part thereof rented to a transient guest.

24 "Manufacture." As defined in section 2 of the act of April  
25 14, 1972 (P.L.233, No.64), known as The Controlled Substance,  
26 Drug, Device and Cosmetic Act.

27 "Partial eviction." The eviction and removal of specified  
28 persons other than the tenant from leased residential premises.

29 "Resident." An individual who lawfully resides in a leased  
30 residential premises who is not a signatory to a lease and who

1 has no contractual relationship to a landlord. The term includes  
2 a member of the household of a tenant.

3 "Tenant." Any natural person or entity who is a named party  
4 or signatory to a lease or rental agreement and who occupies,  
5 resides at or has a legal right to possess and use an individual  
6 rental unit.

7 "Tenant organization." An organization or association,  
8 whether or not incorporated, which is representative of the  
9 tenants or residents of a leased residential premises the  
10 membership of which consists of tenants of the leased  
11 residential premises which the organization or association  
12 represents. The term includes a community-based organization  
13 with members who are tenants of the leased residential premises.

#### 14 Section 4. Nature of actions and jurisdiction.

15 The causes of action established in this act are civil  
16 actions to evict or remove tenants or other persons from leased  
17 residential premises.

#### 18 Section 5. Standing.

19 A civil action under this act may be brought by any of the  
20 following:

- 21 (1) A landlord.
- 22 (2) A tenant organization.
- 23 (3) A district attorney.
- 24 (4) The Attorney General.

#### 25 Section 6. Remedies and judicial orders.

26 (a) Grounds for complete eviction.--Subject to the  
27 provisions of sections 7 and 26, the court shall order the  
28 immediate eviction, as set forth in sections 12(b) and 14, of a  
29 tenant if it finds any of the following:

- 30 (1) Drug-related criminal activity has occurred on or

1 within the individual rental unit leased to the tenant.

2 (2) The individual rental unit leased to the tenant was  
3 used in any way in furtherance of or to promote drug-related  
4 criminal activity.

5 (3) The tenant, any member of the tenant's household or  
6 any guest has engaged in drug-related criminal activity on or  
7 in the immediate vicinity of the leased residential premises.

8 (4) The tenant, with knowledge that a person has been  
9 removed and barred from the leased residential premises under  
10 this act, has given permission to or invited a person to  
11 return or re-enter any portion of the leased residential  
12 premises.

13 (5) The tenant has failed to notify law enforcement or  
14 public housing authorities immediately upon learning that a  
15 person who has been removed and barred from the tenant's  
16 individual rental unit under this act has returned to or re-  
17 entered the tenant's individual rental unit.

18 (b) Grounds for partial eviction and issuance of removal  
19 orders.--The court shall, subject to the provisions of sections  
20 7(b) and 26, order the immediate removal from the leased  
21 residential premises of any person other than the tenant,  
22 including, but not limited to, an adult or minor member of the  
23 tenant's household, if the court finds that the person has  
24 engaged in drug-related criminal activity on or in the immediate  
25 vicinity of the leased residential premises. Persons removed  
26 under this section shall be barred from returning to or re-  
27 entering any portion of the leased residential premises.

28 (c) Removal orders directed against the tenant.--If the  
29 court finds that a tenant, resident or guest has engaged in  
30 drug-related criminal activity on or in the immediate vicinity



1 of the leased residential premises and if the person has not  
2 been named as a defendant, has not appeared in the action and  
3 has not been subjected to the jurisdiction of the court, a  
4 removal order issued under subsection (b) shall be directed  
5 against the tenant and shall provide that as an express  
6 condition of the tenancy, the tenant shall not give permission  
7 to or invite the barred person to return to or re-enter any  
8 portion of the leased residential premises. The tenant shall  
9 acknowledge in writing that the tenant understands the terms of  
10 the court's order and that the tenant understands that the  
11 failure to comply with the court's order will result in the  
12 mandatory termination of the tenancy under section 12.

13 Section 7. Affirmative defense or exemption to a complete  
14 eviction.

15 (a) Affirmative defense.--The court may refrain from  
16 ordering the complete eviction of a tenant under section 6(a),  
17 if the tenant has established that the tenant was not involved  
18 in the drug-related criminal activity and that the tenant:

19 (1) did not know or have reason to know that drug-  
20 related criminal activity was occurring on or within the  
21 individual rental unit, that the individual rental unit was  
22 used in any way in furtherance of or to promote drug-related  
23 criminal activity, or that any member of the tenant's  
24 household or any guest has engaged in drug-related criminal  
25 activity on or in the immediate vicinity of any portion of  
26 the leased residential premises;

27 (2) had done everything that could reasonably be  
28 expected in the circumstances to prevent the commission of  
29 the drug-related criminal activity; or

30 (3) had promptly reported the drug-related criminal

1 activity to appropriate law enforcement authorities.

2 (b) Exemption.--If the grounds for a complete eviction have  
3 been established, the court shall order the eviction of the  
4 tenant, unless, having regard to the circumstances of the  
5 criminal activity and the condition of the tenant, the court is  
6 clearly convinced that immediate eviction or removal would  
7 effect a serious injustice the prevention of which overrides the  
8 need to protect the rights, safety and health of the other  
9 tenants and residents of the leased residential premises.

10 (c) Burden of proof.--The burden of proof for the  
11 affirmative defense set forth in subsection (a) shall be by a  
12 preponderance of the evidence. The burden of proof for the  
13 exemption set forth in subsection (b) shall be by clear and  
14 convincing evidence.

15 Section 8. Mandatory partial eviction where affirmative defense  
16 or exemption to complete eviction is established.

17 (a) General rule.--If the plaintiff has established grounds  
18 for a complete eviction but the court finds that the tenant has  
19 satisfactorily established the basis for an affirmative defense  
20 or exemption under section 7 and if the court elects not to  
21 order the complete eviction of the tenant, the court, except as  
22 otherwise provided in section 26, shall order the immediate  
23 removal from the leased residential premises of any person other  
24 than the tenant, including adult or minor members of the  
25 tenant's household, who have engaged in drug-related criminal  
26 activity on any portion of the leased residential premises.  
27 Persons removed under this section shall be permanently barred  
28 from returning to or re-entering any portion of the leased  
29 residential premises. The court shall further order as an  
30 express condition of the tenancy that the tenant shall not give

1 permission to or invite any person who has been removed under  
2 this act to return to or re-enter any portion of the leased  
3 residential premises.

4 (b) Acknowledgment of conditional tenancy.--The tenant upon  
5 whom a partial eviction is imposed must acknowledge in writing  
6 that the tenant understands the terms of the court's order  
7 issued under subsection (a) and understands that the failure to  
8 comply with the court's order will result in the mandatory  
9 termination of the tenancy under section 6. Refusal by the  
10 tenant to acknowledge such terms as required by this subsection  
11 shall vitiate any prior finding by the court that an exemption  
12 to a complete eviction exists or that the tenant has  
13 satisfactorily established an affirmative defense.

14 Section 7. Substitution of plaintiff.

15 If the court determines in its discretion that the plaintiff  
16 bringing an action under this act has failed to prosecute the  
17 matter with reasonable diligence, the court may substitute as  
18 plaintiff any person that consents and that would have been  
19 authorized under this act to initiate the action.

20 Section 10. Execution of removal or eviction order.

21 Any removal or eviction order issued by a court under this  
22 act shall be enforced by the person or entity bringing the  
23 action. The appropriate law enforcement agency shall, upon the  
24 request of the person bringing the action, assume responsibility  
25 for the actual execution of the removal or eviction.

26 Section 11. Obstructing the execution or enforcement of a  
27 removal or eviction order.

28 Any person who knowingly violates any order issued under this  
29 act or who knowingly interferes with, obstructs, impairs or  
30 prevents any law enforcement officer from enforcing or executing

1 any order issued under this act, shall be subject to criminal  
2 contempt. Nothing in this section shall be construed in any way  
3 to preclude or preempt a criminal prosecution for any other  
4 criminal offense.

5 Section 12. Motion to enforce removal order and mandatory  
6 evictions.

7 (a) General rule.--Any person authorized to bring an action  
8 under this act may move to enforce a removal order issued under  
9 this act.

10 (b) Expedited hearings.--A motion to enforce a removal order  
11 shall be heard on an expedited basis and within 15 days of the  
12 filing of the motion.

13 (c) Mandatory eviction.--The court shall order the immediate  
14 eviction of the tenant if it finds any of the following:

15 (1) The tenant has given permission to or invited any  
16 person removed or barred from the leased residential premises  
17 under this act to return to or re-enter the leased  
18 residential premises.

19 (2) The tenant has failed to notify appropriate law  
20 enforcement or public housing authorities immediately upon  
21 learning that any person who had been removed and barred  
22 under this act has returned to or re-entered the tenant's  
23 individual rental unit.

24 (3) The tenant has otherwise knowingly violated an  
25 express term or condition of any order issued by the court  
26 under this act.

27 Section 13. Impermissible defense.

28 It shall not be a defense to an action brought under this act  
29 that the drug-related criminal activity was an isolated incident  
30 or otherwise has not recurred or that the person who actually

1 engaged in the drug-related criminal activity no longer resides  
2 in the tenant's individual rental unit.

3 Section 14. Expedited proceedings.

4 (a) Expedited hearing.--If a complaint is filed initiating  
5 an action under this act, the court shall set the matter for a  
6 hearing which shall be held on an expedited basis and within 15  
7 days following the filing of the complaint.

8 (b) Standards for continuances.--The court shall not grant a  
9 continuance nor shall it stay the civil proceedings pending the  
10 disposition of any related criminal proceedings except for  
11 compelling and extraordinary reasons or on application for good  
12 cause shown.

13 Section 15. Notice to interested parties.

14 Notwithstanding any other provision of law concerning the  
15 procedures otherwise used in eviction proceedings, it shall not  
16 be necessary to provide notice to the tenant to vacate the  
17 premises prior to filing the complaint initiating a civil action  
18 under this act.

19 Section 16. Inapplicability of exclusionary rule.

20 No relevant testimony or evidence shall be excluded from any  
21 civil action brought under this act on account of the manner by  
22 which it was obtained by a law enforcement officer or agency,  
23 notwithstanding that the civil action may have been brought by a  
24 district attorney or the Attorney General.

25 Section 17. Relation to criminal proceedings.

26 (a) Criminal proceedings, conviction or adjudications not  
27 required.--The fact that a criminal prosecution involving the  
28 drug-related criminal activity is not commenced or, if  
29 commenced, has not yet been concluded or has terminated without  
30 a conviction or adjudication of delinquency shall not preclude a

1 civil action or the issuance of an order under this act.

2 (b) Collateral estopped.--If a criminal prosecution  
3 involving the drug-related criminal activity results in a final  
4 criminal conviction or adjudication of delinquency, such  
5 adjudication or conviction shall estop the convicted defendant  
6 or adjudicated juvenile from denying the essential allegations  
7 of the criminal offense in any subsequent civil proceeding  
8 brought under this act.

9 (c) Admissibility of criminal trial recordings or  
10 transcripts.--Evidence admitted in the criminal proceeding,  
11 including recordings or transcripts of the adult or juvenile  
12 criminal proceedings may be admitted in the civil action  
13 initiated under this act.

14 Section 18. Discovery.

15 The parties to an action brought under this act shall not be  
16 entitled to conduct discovery otherwise available in a civil  
17 action except by leave of court where required to ensure the  
18 fair disposition of the civil action. The plaintiff in a civil  
19 action brought under this act must provide to the tenant and all  
20 other named defendants a reasonable opportunity prior to the  
21 hearing to examine any relevant documents or records within the  
22 plaintiff's possession which directly relate to the action,  
23 subject to the limitations of section 20.

24 Section 19. Protection of threatened witnesses or affiants.

25 If proof necessary to establish the grounds for eviction  
26 depends, in whole or in part, upon the affidavits or testimony  
27 of witnesses who are not peace officers, the court may, upon a  
28 showing of prior threats of violence or acts of violence by any  
29 defendant or any other person, issue orders to protect those  
30 witnesses, including, but not limited to, the nondisclosure of

1 the name, address or any other information which may identify  
2 those witnesses.

3 Section 20. Availability of law enforcement resources to  
4 plaintiffs or potential plaintiffs.

5 A law enforcement agency may make available to any person or  
6 entity authorized to bring an action under this act any police  
7 report or edited portion thereof or forensic laboratory report  
8 or edited portion thereof, concerning drug-related criminal  
9 activity committed on or in the immediate vicinity of the leased  
10 residential premises. A law enforcement agency may also make any  
11 officer or officers available to testify as a fact witness or  
12 expert witness in a civil action brought under this act. The  
13 agency shall not disclose such information if, in the agency's  
14 opinion, disclosure would jeopardize an investigation,  
15 prosecution or other proceeding or if disclosure would violate a  
16 Federal or State statute.

17 Section 21. Ongoing collection of rent.

18 A landlord shall be entitled to collect rent due and owing  
19 from the tenant during the pendency of a civil action brought  
20 under this act.

21 Section 22. Recovery of costs by prevailing plaintiff.

22 A tenant organization or district attorney or the Attorney  
23 General bringing a successful action under this act, including  
24 where the action is ultimately discharged under section 26(k),  
25 shall be entitled to recover the cost of the suit, including  
26 reasonable attorney fees from the landlord, if the landlord had  
27 refused to initiate an action within ten days after having been  
28 requested to do so in writing, delivered personally or by  
29 certified mail, return receipt requested. If the court  
30 determines, under section 9, that a landlord failed to prosecute

1 an initiated action with reasonable diligence, the landlord  
2 shall be responsible for the payment of all reasonable costs of  
3 the suit expended by a prevailing substitute plaintiff  
4 designated under section 9.

5 Section 23. Preliminary or emergency relief.

6 The court may issue a temporary restraining order, grant  
7 preliminary relief or take such other action necessary to enjoin  
8 or prevent the commission of drug-related criminal activity on  
9 or in the immediate vicinity of leased residential premises or  
10 otherwise to protect the rights and interests of all tenants and  
11 residents.

12 Section 24. Cumulative remedies.

13 The remedies authorized by this act shall be cumulative with  
14 each other and shall be in addition to, not in lieu of, any  
15 other remedies available at law or in equity.

16 Section 25. Civil immunity.

17 A person who, in good faith, institutes, participates in or  
18 encourages a person to institute or participate in a civil  
19 action brought under this act or who in good faith provides  
20 information relied upon by any person in instituting or  
21 participating in a civil action under this act shall have  
22 immunity from civil liability that might otherwise be incurred  
23 or imposed.

24 Section 26. Probationary tenancy.

25 (a) Temporary suspension of eviction or removal.--

26 (1) The court, on the application of a person subject to  
27 removal, may suspend the execution of an order of complete or  
28 partial eviction for a period of not more than ten days in  
29 order to refer the person to a licensed substance abuse  
30 treatment program or facility for an alcohol and other drug



1 addiction assessment and treatment recommendation in order to  
2 determine whether the person is a suitable candidate for a  
3 stay of execution of eviction or removal under to subsection  
4 (b) if all of the following apply:

5 (i) The person asserts that the person:

6 (A) is drug dependent within the meaning of this  
7 act;

8 (B) is willing to participate in a licensed  
9 treatment and monitoring program recommended by the  
10 program or facility and approved by the court; and

11 (C) meets the requirements set forth in  
12 subsection (b)(4), (5) and (6).

13 (ii) The court is clearly convinced that the  
14 temporary suspension of execution of the order of the  
15 eviction or removal will not endanger the safety of the  
16 community or otherwise unduly jeopardize the rights or  
17 interests of other tenants and residents of the leased  
18 residential premises.

19 (2) Pending the filing of an application for a stay of  
20 execution under subsection (b), a temporary suspension issued  
21 under this subsection shall automatically expire on the date  
22 fixed by the court or ten days after the suspension is  
23 granted, whichever is earlier. At such time, the order of  
24 eviction or removal shall be immediately enforced unless a  
25 stay is granted in accordance with the provisions of  
26 subsection (b).

27 (b) Application to stay execution of eviction or removal  
28 order.--On application of a person subject to removal, the court  
29 may stay execution of an order of complete or partial eviction  
30 for a period of time as provided in subsection (f) and during

1 which the person is participating in a court-approved and  
2 licensed alcohol and other drug treatment program if the person  
3 establishes by clear and convincing evidence all of the  
4 following:

5 (1) The person is drug dependent, and the drug-related  
6 criminal activity that was the basis for the order of  
7 eviction or removal was committed in order to support the  
8 person's drug dependency.

9 (2) No evidence is presently proffered or has been  
10 presented that the person is an adult and, in the commission  
11 of such drug-related criminal activity, distributed a  
12 controlled substance to a person under 15 years of age.

13 (3) No evidence is presently proffered or has been  
14 presented that the person unlawfully used or possessed a  
15 firearm on the leased residential premises or that the person  
16 used or threatened to use violence in committing any of the  
17 acts which are the basis for the order of eviction or  
18 removal.

19 (4) The person has not previously undergone court-  
20 approved treatment under this section.

21 (5) The person has agreed to participate in the course  
22 of alcohol and other drug treatment recommended by the  
23 treatment facility conducting the court-ordered addiction  
24 assessment.

25 (6) The stay of execution of the order of complete or  
26 partial eviction will not endanger the safety of the  
27 community or otherwise unduly jeopardize the rights or  
28 interests of other tenants and residents of the leased  
29 residential premises.

30 (7) Admission to the recommended course of treatment

1 will serve to benefit the person by addressing drug  
2 dependency and will thereby remove the incentive for the  
3 person to engage in drug-related criminal activity.

4 (c) Right of interested person to be heard.--The plaintiff  
5 in the civil action and the tenant organization for the  
6 premises, whether or not such organization joined in the civil  
7 action, shall be provided an opportunity to be heard with  
8 respect to an order under this section.

9 (d) Participation in recommended course of treatment.--If  
10 the court is satisfied that the grounds for a stay set forth in  
11 subsection (b) have been clearly and convincingly established,  
12 the court, as a condition of the stay of execution of the  
13 eviction or removal order, shall order the person to participate  
14 in the recommended course of treatment. The program must include  
15 periodic drug testing. The course of treatment must take place  
16 in a program licensed by the department to provide substance  
17 abuse treatment. The court shall impose reasonable terms and  
18 conditions of the person's participation in the court-approved  
19 treatment program. The terms and conditions shall include a  
20 requirement that the person comply with all rules established by  
21 the treatment program. The terms and conditions imposed by the  
22 court may include establishing a curfew or imposing restrictions  
23 on the person's associations and places of travel. The court may  
24 modify or impose additional terms or conditions if the court,  
25 prior to its removal of a significant term or condition,  
26 provides notice to all persons or entities entitled under  
27 subsection (c) to participate in the proceedings. The person  
28 placed on probationary tenancy must consent to the original or  
29 amended terms and conditions, as a condition of the stay of  
30 execution of the eviction or removal order and must acknowledge

1 in writing that the person understands and accepts all such  
2 terms and conditions. If the person refuses to accept or comply  
3 with original or amended terms and conditions, the stay of  
4 execution shall be automatically rescinded; and the order of  
5 eviction or removal shall be immediately enforced in accordance  
6 with this act.

7 (e) Period of probationary tenancy.--If the person maintains  
8 compliance with the terms and conditions of the court and with  
9 the requirements of the course of treatment and monitoring, the  
10 stay of execution of an order of eviction or removal shall  
11 remain in force for a period of six months. The court, upon  
12 recommendation by the treatment program, may extend the initial  
13 period of probationary tenancy for an additional six months.

14 (f) Prompt initiation of treatment.--A stay of execution of  
15 an order of eviction or removal under this section shall be  
16 contingent upon the person commencing participation in the  
17 recommended course of treatment or being placed on a certified  
18 waiting list until a position for the recommended course of  
19 treatment becomes available, within ten days of the entry of the  
20 court's order granting the stay of execution of eviction or  
21 removal. If the person is placed on a certified list, the person  
22 must submit to regular drug testing as ordered by the court and  
23 must also attend, with verification, no fewer than five 12-step  
24 recovery meetings per week, until the course of treatment can  
25 begin. If the person fails to comply with the conditions of this  
26 subsection within the time period, the stay of execution shall  
27 be automatically rescinded unless the court determines that  
28 there are extraordinary and compelling reasons to reinstate the  
29 stay pending the person's participation in the recommended  
30 course of treatment by a date certain to be fixed by the court.

1 (g) Reporting of progress in course of treatment.--The  
2 treatment program must, as a condition of the stay of execution  
3 of the eviction or removal order, agree in writing to report  
4 periodically to the court as to the person's progress and  
5 compliance with court-imposed terms and conditions. The  
6 treatment program must agree to promptly report any significant  
7 failure to comply with the requirements of the course of  
8 treatment. The treatment program must agree immediately to  
9 advise the court if the person terminates participation in the  
10 course of treatment. The person and, if necessary, the person's  
11 parent or guardian, must, as a condition of the stay of  
12 execution, sign consent forms necessary to release information  
13 to the court under this section, with respect to participation  
14 in the course of treatment.

15 (h) Supervisory jurisdiction of probation department.--The  
16 court may assign the department the responsibility to assist in  
17 monitoring and supervising the person's participation in the  
18 recommended course of treatment and compliance with all court-  
19 imposed terms and conditions of the probationary tenancy. The  
20 court may also assign the department the responsibility to  
21 administer the periodic drug testing. The department shall  
22 immediately report a significant violation of the court-imposed  
23 terms and conditions, in accordance with subsection (g).

24 (i) Effect of violation.--Upon a first significant violation  
25 of any court-ordered term or condition of the probationary  
26 tenancy, the court may and upon recommendation of the treatment  
27 program or upon subsequent violation, shall, in the absence of  
28 extraordinary and compelling reasons, rescind the stay of  
29 execution of the order of eviction or removal; and the order  
30 shall be immediately enforced. In making its determination

1 whether to rescind the stay after a first significant violation,  
2 the court shall consider the nature and seriousness of the  
3 infraction in relation to the person's progress in the course of  
4 treatment and shall consider the recommendations of the  
5 treatment program. If the treatment program determines to  
6 discontinue the person's course of treatment, the court shall  
7 revoke the probationary tenancy and rescind the stay of  
8 execution of the order of eviction or removal unless the  
9 treatment program recommends that another treatment program be  
10 engaged to provide the course of treatment. If the court finds  
11 reasonable grounds to believe that the person, during the term  
12 of the probationary tenancy, has been involved in drug-related  
13 criminal activity, whether or not the activity occurred on the  
14 leased residential premises, the court shall immediately rescind  
15 the stay of execution of the order of eviction or removal; and  
16 the order shall be immediately enforced.

17 (j) Action upon violation.--An action for a violation of a  
18 term or condition of the probationary tenancy may be brought by  
19 the plaintiff in the eviction action, any person that could have  
20 initiated the eviction action under this act, the treatment  
21 program or the department. The action shall be summary in nature  
22 and shall be heard and decided within five days of the notice to  
23 the court of the violation.

24 (k) Discharge of order of eviction or removal.--If, after  
25 the expiration of the term of probationary tenancy, the court  
26 determines that the person has satisfactorily complied with the  
27 terms and conditions of the recommended course of treatment and  
28 that the person no longer poses a risk to the other residents  
29 and tenants, the court shall discharge the order of eviction or  
30 removal and shall dismiss the action.

1 Section 27. Notification and provision of treatment resources.

2 (a) Notification to person removed.--The court, prior to the  
3 removal of any person under this act, shall provide to that  
4 person outreach information and referral materials on how to  
5 obtain alcohol and other drug treatment.

6 (b) Notification to social services agencies.--The court, no  
7 less than ten days prior to the removal of any person under this  
8 act, shall notify the department and the Department of Public  
9 Welfare if applicable and other appropriate social service  
10 agencies of the removal.

11 (c) Preparation and dissemination of treatment resource  
12 information.--The department shall prepare the outreach  
13 information and referral materials and shall disseminate the  
14 information and materials to the Administrative Office of  
15 Pennsylvania courts.

16 Section 28. Relocation assistance.

17 A landlord shall not bear responsibility for relocating a person  
18 who has been evicted, removed or barred under this act.

19 Section 29. Liberal construction.

20 The provisions of this act shall be liberally construed to  
21 effectuate the remedial purposes, objectives and policies set  
22 forth in section 2.

23 Section 30. Effective date.

24 This act shall take effect in 60 days.